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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT TACOMA

10 JABEZ PROPERTIES, LLC,

11                   Plaintiff,

12                   v.

13 CORINTHIAN COLLEGES, INC.,

14                   Defendant.

No. C07-5367RBL

ORDER GRANTING  
DEFENDANT'S MOTION  
TO AMEND ANSWER

15  
16     This matter is before the court on Defendant's Motion to Amend its Answer. (Dkt. #6). This matter  
17 involves a dispute over the Defendant's obligations under a commercial lease, and whether the Defendant  
18 fulfilled its duty to keep the premises in good condition and repair. *Complaint*, p. 6 (Dkt. #1). The Plaintiff  
19 is the landlord of the property, which the Defendant occupied. Defendant seeks to add a counterclaim against  
20 the Plaintiff for reimbursement for replacing septic pumps on the premises, plus interest from the date of  
21 payment. The Defendant claims that despite the Plaintiff's assigned responsibility as landlord for "replacement  
22 of 'the leach field and/or septic tanks,'" *Motion to Amend*, p. 2 (Dkt. #6), it failed to reimburse the Defendant  
23 for this expense. The Plaintiff did not oppose the motion.

24     Even if the Plaintiff opposed this motion, the Court would still permit the Defendant to assert a  
25 counterclaim. Under the Federal Rules, a party may amend its answer "by leave of court or by written consent  
26 of the adverse party; and shall be given when justice so requires." Fed. R. Civ. P. 15(a). Leave to amend is  
27 favored unless an opposing party makes a showing of undue prejudice, bad faith, futility, or dilatory motive  
28 on the moving party. *Foman v. Davis*, 371 U.S. 178, 182 (1962).

ORDER

1 In this case, the parties agreed that this case should be ready for trial by September 22, 2008. *Motion*  
2 *to Amend*, p. 2 (Dkt. 6). The discovery cutoff date is August 11, 2008. *Id.* Very little discovery has been  
3 conducted. In fact, the Plaintiff has conducted no discovery. Accordingly, the Plaintiff has enough time to  
4 conduct discovery of this counterclaim.

5 Given the lack of prejudice to the plaintiff in allowing amendment the Court hereby GRANTS the  
6 Defendant's Motion to Amend (Dkt. #6). Defendant is granted leave to file its Amended Answer.

8 DATED this 26<sup>th</sup> day of February, 2008.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE